

LODGED CLERK, U.S. DISTRICT COURT
2/6/2024
CENTRAL DISTRICT OF CALIFORNIA BY: _____ CDO _____ DEPUTY

UNITED STATES DISTRICT COURT

for the
Central District of California

FILED CLERK, U.S. DISTRICT COURT
2/6/2024
CENTRAL DISTRICT OF CALIFORNIA BY: _____ CGM _____ DEPUTY

United States of America

v.

CARLOS GUZMAN

Defendant

Case No. 2:24-mj-00670-DUTY

CRIMINAL COMPLAINT BY TELEPHONE
OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of February 6, 2024, in the county of Los Angeles in the Central District of California, the defendant violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Felon in Possession of a Firearm and Ammunition

This criminal complaint is based on these facts:

Please see attached affidavit.

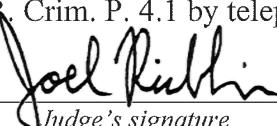
Continued on the attached sheet.

/s/ Michael Montevidoni
Complainant's signature

Michael Montevidoni, ATF Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: February 6, 2024


Judge's signature

City and state: Los Angeles, California

U.S. Magistrate Judge Joel Richlin
Printed name and title

AUSA: Joseph De Leon x7280

AFFIDAVIT

I, Michael Montevidoni, being duly sworn, declare and state as follows:

PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant against Carlos GUZMAN ("GUZMAN") for a violation of 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm and Ammunition.

2. The facts set forth in this affidavit are based upon my personal observations; my training and experience; and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

BACKGROUND OF ATF SPECIAL AGENT MICHAEL MONTEVIDONI

3. I am a Special Agent ("SA") with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and have been so employed since July 2015. I am currently assigned to the Los Angeles Field Division. I have completed the 12-week Criminal Investigator Training Program and the 12-week Special Agent Basic Training at the

Federal Law Enforcement Training Center ("FLETC") in Glynco, Georgia.

4. I have also received specialized training while attending the academies at FLETC concerning violations of the Gun Control Act within Title 18 of the United States Code and violations of the Controlled Substance Act within Title 21 of the United States Code. That specialized training covered topics such as surveillance, interviewing, warrant writing, evidence handling, arrest procedures, search procedures, and testifying in court.

5. Since July 2015, I have actively participated in a high volume of cases involving prohibited persons possessing firearms, persons trafficking firearms and controlled substances, persons possessing illegal firearms, and persons affiliated with gang activity. I have also interviewed confidential informants, witnesses, cooperating defendants, criminal defendants, and other persons engaged in violations of federal law.

SUMMARY OF PROBABLE CAUSE

6. On January 21, 2024, Los Angeles Police Department ("LAPD") officers conducted patrol in an area of Los Angeles, California when they observed an individual, later identified as GUZMAN, drop a firearm on the sidewalk. An LAPD officer recovered the loaded firearm with 12 rounds of ammunition from the sidewalk and another LAPD officer detained GUZMAN pending a firearms investigation. The LAPD officer then conducted a search of GUZMAN and recovered one 30-round magazine loaded with

23 rounds of ammunition from GUZMAN's front left pocket, and one round of ammunition from GUZMAN's right rear pocket.

7. A review of GUZMAN's criminal history and certified conviction documents revealed that GUZMAN has multiple prior felony convictions, including convictions for assault with a deadly weapon and felon in possession of a firearm.

STATEMENT OF PROBABLE CAUSE

8. Based on my review of law enforcement reports and the LAPD officers' body camera footage, conversations with other law enforcement agents, and my own knowledge of the investigation, I am aware of the following:

A. GUZMAN is arrested with a firearm and twenty-four rounds of ammunition in his possession.

9. I know, from reviewing law enforcement reports and LAPD officers' body camera footage, and conversations with other law enforcement personnel, that on January 21, 2024, LAPD officers were conducting patrol in the area of Menlo Avenue and Florence Avenue within Los Angeles, California, due to recent robberies and shootings. While on patrol, LAPD officers observed two males walking on the street and observed one of the males, later identified as GUZMAN, reach down and drop a black handgun onto the sidewalk. LAPD officers conducted a pedestrian stop and detained GUZMAN and the other male pending a firearms investigation.

10. An LAPD officer then recovered the aforementioned loaded firearm with 12 rounds of ammunition from the sidewalk, later identified as a Glock, Model 23, .40 caliber pistol bearing serial number VMT024. Another LAPD officer conducted a search of GUZMAN and recovered one 30-round magazine loaded with 23 rounds of .40 caliber ammunition from GUZMAN's front left pocket and one round of .40 caliber ammunition from GUZMAN's rear right pocket.

11. LAPD officers then placed GUZMAN under arrest for being a felon in possession of a firearm in violation of California Penal Code Section 29800(a)(1).

12. An LAPD officer advised GUZMAN of his Miranda Rights, which GUZMAN acknowledged, and GUZMAN agreed to speak with law enforcement. An LAPD officer later spoke to GUZMAN about the firearm, and GUZMAN admitted (1) that he purchased the firearm from a friend for \$600, (2) that he had the firearm in his waistband area before he dropped it on the ground, and (3) that he set the firearm on the ground because he didn't want anyone picking it up.

B. GUZMAN's Criminal History

13. On February 1, 2024, I obtained and reviewed certified conviction documents for GUZMAN and learned that GUZMAN has previously been convicted of the following felony crimes punishable by a term of imprisonment exceeding one year including:

a. Assault with a deadly weapon in violation of California Penal Code Section 245(A)(1), in the Superior Court for the State of California, County of Los Angeles, Case Number BA378549, on or about February 27, 2020.

b. Assault with a deadly weapon upon a peace officer in violation of California Penal Code Section 245(C), and felon in possession of a firearm in violation of California Penal Code Section 12021(A)(1), in the Superior Court for the State of California, County of Los Angeles, Case Number VA093365, on or about February 7, 2006.

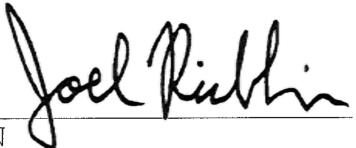
C. Interstate Nexus

14. Based on my conversation with other law enforcement agents, I know that on February 5, 2024, an ATF Interstate Nexus Expert reviewed photographs of the firearm, a Glock, Model 23, .40 caliber pistol bearing serial number VMT024 recovered from the sidewalk, and the 36 rounds of .40 caliber ammunition (12 rounds recovered from the firearm, and 24 rounds recovered from GUZMAN). Specifically, the ATF Interstate Nexus Expert's analysis confirmed the firearm and the ammunition were manufactured outside of the State of California. Because this firearm and ammunition were recovered in California, there is probable cause to believe that the firearm and ammunition moved in and affected interstate commerce.

CONCLUSION

15. For all of the reasons described above, there is probable cause to believe that GUZMAN has committed a violation of 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm and Ammunition.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 6th day of February, 2024.



HON. JOEL RICHLIN
UNITED STATES MAGISTRATE JUDGE